

REMARKS

Applicants appreciate the Examiner's acknowledgement of receipt of the Request for Continued Examination, entry of Applicants' Amendment After Final filed March 18, 2004 and the IDS filed March 18, 2004. In response to the Examiner's indication that the three non-English references cited in the March 12, 2004 IDS have not been considered, Applicants respectfully submit that English equivalents of those three non-English references had previously been submitted and considered by the Examiner or the Examiner's predecessors.

By the present amendments, which are provided to place the claims in condition for allowance Claims 11, 29 and 30 have been amended to define the claimed invention with greater specificity by emphasizing that the starch fibers, as claimed in Claims 11, 29 and 30, as amended, have an average fiber diameter of less than 10 μm . Support for these amendments is found in the Specification at page 24, lines 10-14.

New Claims 31 and 32 have been added. Support for new Claims 31 and 32 is found in the Specification at page 1, lines 24-25 and page 8, line 35 – page 9, line 1.

The amendments made herein are made with the purpose of expediting prosecution. Applicants reserve the right to pursue claims directed to any subject matter within the present application.

No new matter has been added by this Amendment. Claims 11-18, 20-30 and new Claims 31 and 32 are pending. An additional claims fee for one additional Claim is believed to be due.

Rejections Under 35 USC 112:

Claims 11-19 and 20-30 are rejected by the Examiner under 35 USC 112, first paragraph, as allegedly being non-enabling for a starch fiber having a Tg of at least about -30°C.

Applicants have amended Claims 11, 29 and 30 to remove the Tg reference. Accordingly, Applicants respectfully submit that Claims 11, 29 and 30, as amended, and Claims 12-18 and 20-28 (Claim 19 has been previously cancelled), which ultimately depend from Claim 11, as amended, overcome these rejections.

Claims 11, 20-26, 29 and 30 are rejected by the Examiner under 35 USC 112, second paragraph, as allegedly being indefinite.

Applicants have amended Claims 11, 29 and 30 to remove the Tg reference. Accordingly, Applicants respectfully submit that Claims 11, 29 and 30, as amended, and Claims 20-26, which ultimately depend from Claim 11, as amended, overcome these rejections.

Claims 12-18, 27 and 28 are rejected by the Examiner under 35 USC 112, second paragraph, for their dependency upon Claims 11 and 20.

Applicants submit that Claims 12-18, 27 and 28, which ultimately depend from Claim 11, as amended, are not indefinite for the same reasons that Claim 11, as amended, as described above, is not indefinite.

Rejections Under 35 USC 102:

Claims 11-13, 15-18, 20-27, 29 and 30 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 4,243,480 to Hernandez et al. ("Hernandez"). The Examiner asserts that Hernandez teaches starch fibers suited for replacing pulp fibers in making paper, wherein the starch fibers have diameters in the range of 10-500 μm .

Applicants respectfully submit that Hernandez fails to teach each and every element, especially starch fibers having an average diameter of less than 10 μm , of Claims 11, 29 and 30, as amended. Further, Applicants submit that Hernandez fails to teach melt blown starch fibers and/or spunbond starch fibers. Hernandez explicitly teaches solvent spun starch fibers, or in other words, starch fibers that are formed by precipitating starch fibers into a coagulating salt solution. Hernandez, Col. 3, lines 58-64.

In light of the foregoing, Applicants respectfully submit that Claims 11, 29 and 30, as amended, are not anticipated by nor rendered obvious over Hernandez. Further, Claims 12-13, 15-18, 20-27 and new Claims 31 and 32, all of which ultimately depend from Claim 11, as amended, are not anticipated by Hernandez.

Rejections Under 35 USC 103:

Claim 14 is rejected by the Examiner under 35 USC 103 as allegedly defining obvious subject matter of Hernandez, described above, in view of U.S. Patent No. 5,516,815 to Buehler et al. ("Buehler"). The Examiner asserts that Hernandez teaches the addition of a plasticizer to the starch fiber, but fails to explicitly teach suitable plasticizers. The Examiner attempts to overcome the deficiency in Hernandez by combining the teachings of Buehler with the teachings of Hernandez. The Examiner asserts that Buehler teaches a starch fiber having a plasticizer such as sorbitol, mannitol, ethylene glycol and polyethylene glycol. The Examiner further asserts that it would have been obvious to one skilled in the art to employ the claimed plasticizers since Hernandez's lack of a teaching to suitable plasticizers must lead one to other prior art, such as Buehler.

Applicants respectfully disagree with the Examiner's conclusion. Applicants respectfully submit that Claim 14, which ultimately depends from Claim 11, as amended, is not rendered obvious over the combined teachings of Hernandez and Buehler for the same reasons that Claim 11, as amended, is not anticipated by nor rendered obvious over Hernandez, as described above. MPEP 2143.03.

Claim 28 is rejected by the Examiner under 35 USC 103 as allegedly defining obvious subject matter over Hernandez, described above. The Examiner asserts that even though Hernandez does not explicitly teach the claimed apparent density of the paper products, it would have been obvious to one skilled in the art to produce a fibrous structure according to the Hernandez invention having the presently claimed density since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Applicants respectfully disagree with the Examiner's conclusion. Applicants respectfully submit that Claim 28, which ultimately depends from Claim 11, as amended, is not rendered obvious over the teachings of Hernandez for the same reasons that Claim 11, as amended, is not anticipated by nor rendered obvious over Hernandez, as described above. MPEP 2143.03.

Conclusion:

WHEREAS, Applicants have made an earnest effort to overcome the rejections of the claims, Applicants respectfully request reconsideration of the rejections in light of the amendments and remarks contained herein and a notice of allowance of Claims 11-18 and 20-30, as amended and new Claims 31 and 32.

Respectfully submitted,

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